

Exhibit "A"

July 1, 2005

Mayor & City Council
County-City Building
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for June 16 through June 30, 2005

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of June 16 through June 30, 2005. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

Awards Unlimited filed a claim during the month of December, 2003, in the amount of \$23,939.63 for alleged damages incurred as the result of a sanitary sewer back-up. This claim has been reviewed by this office and has been **settled** in the amount of \$18,000.

Margy Dawson filed a claim during the month of June, 2005, in the amount of \$7.00 for car wash expense incurred as the result of black liquid material that was splashed onto claimant's vehicle from an open manhole. This claim has been reviewed by this office and has been **allowed** in the amount of \$7.00.

Grant Richards filed a claim during the month of June, 2005, in the amount of \$157.98 for damage incurred to the windshield of his vehicle as the result of a rock thrown from a City mower. This claim has been reviewed by this office and has been **allowed** in the amount of \$157.98.

David McCune filed a claim during the month of June, 2005, in the amount of \$1,154.80 for damage incurred to his motorcycle when it was struck by a City-owned vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,154.80.

DENIED CLAIMS:

Heritage Builders, Inc. filed a claim during the month of June, 2005, in the amount of \$1,814.87 for damage to underground electrical conduit to sign allegedly incurred during a street widening project. This claim has been reviewed by this office and has been **denied**.

Roger Crews filed a claim during the month of June, 2005, in an unspecified amount. Claimant alleges that the operator of a StarTran bus closed the door on his ankle as he was exiting the bus causing injury to claimant's ankle. This claim has been reviewed by this office and has been **denied**.

Nancy Westcott filed a claim during the month of June, 2005, in the amount of \$275.15 for damage incurred to the door of her residence as the result of emergency action taken by Lincoln police. This claim has been reviewed by this office and has been **denied**.

PENDING CLAIMS:

County of Lancaster filed a claim during the month of October, 2001, for medical expenses incurred as the result of an arrest by Lincoln police of an individual who was taken to the hospital for treatment of injuries allegedly incurred during his arrest. The County alleges that they inadvertently paid for part of the medical expenses. This claim is under review and is **pending**.

Scott Cather filed a claim during the month of December, 2003, in an unspecified amount for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

State Farm Insurance Company (Richard D. Scholl, Insured) filed a subrogation claim during the month of January, 2004, for expenses incurred as the result of a motor vehicle accident involving a vehicle driven by Tammy Scholl and a Lincoln police vehicle. **Tammy J. Scholl** filed a claim during the month of August, 2004, in an unspecified amount for injuries incurred as the result of the accident with the police vehicle. These claims are under review and **pending**.

Randall Heiliger filed a claim during the month of February, 2004, in the amount of \$1,200.79 for damage incurred to his vehicle as the result of an accident involving a City snowplow. This claim is under review and is **pending**.

Deanna Zaffke filed a claim during the month of March, 2004, in an unspecified amount for damage incurred to the windshield of her vehicle as the result of debris from a City mower. This claim is under review and is **pending**.

James P. Ihrig filed a claim during the month of June, 2004, in an unspecified amount for injury incurred when claimant fell as the result of an alleged defect in the street. This claim is under review and is **pending**.

John Kentopp filed a claim during the month of July, 2004, in an unspecified amount. Claimant alleges that his bicycle was stolen after he was arrested at a City park by a Lincoln police officer. Claimant alleges that police officer did not allow him to secure his bicycle. This claim is under review and is **pending**.

Nicholas Starr Becker filed a claim during the month of August, 2004, in the amount of \$100,000 for alleged injury incurred during claimant's arrest by Lincoln police. This claim is under review and is **pending**.

Prairie Homebuilders, Inc. filed a claim during the month of September, 2004, in the amount of \$105.00 for property damage incurred as the result of a rock thrown from a City mower. This claim is under review and is **pending**.

Fred Fleming filed a claim during the month of September, 2004, in an unspecified amount for damage incurred to his driveway as the result of a water main break. This claim is under review and is **pending**.

Brainard HVAC, Inc. filed a claim during the month of January, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage portion of this claim has been **settled** in the amount of \$20,500. The injury portion of this claim is **pending**.

Travis Kimathi filed a claim during the month of January, 2005, in an unspecified amount for alleged injury incurred as the result of an accident involving a Fire Department vehicle. **Abayomi Cousins**, who was a passenger in the vehicle driven by Mr. Kimathi, has filed a claim for medical expenses incurred as a result of the accident. **Geico Direct** has filed a subrogation claim. These claims are under review and are **pending**.

Kim Roehrs-Lary filed a claim during the month of January, 2005, in the amount of \$100,000 for injury incurred when claimant allegedly fell in a hole located in alley behind Bethany Christian Church. This claim is under review and is **pending**.

Sheryl Theriault filed a claim during the month of January, 2005, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. The property damage portion of this claim has been settled by the Risk Management Office in the amount of \$7,782.84. The personal injury portion of this claim is **pending**.

Kenneth Walton/Walton Construction filed a claim during the month of February, 2005, in the amount of \$3,636.31 for damage incurred to vehicle as the result of an accident involving a City vehicle. The property damage claim has been settled by the Risk Management Office in the amount of \$3,575.96. The personal injury claim of Kenneth Walton is **pending**.

Patricia Giese filed a claim during the month of February, 2005, in the amount of \$668.74 for damage incurred to her vehicle as the result of an accident involving a Public Works vehicle. This claim is under review and is **pending**.

Melinda Nicholson filed a claim during the month of February, 2005, in an unspecified amount for alleged injury incurred as the result of fall on a StarTran bus. This claim is under review and is **pending**.

Russ Ninemire filed a claim during the month of March, 2005, in the amount of \$335.95 for medical expense incurred as the result of an injury that occurred when claimant fell on steps at Centennial Mall. This claim is under review and is **pending**.

Virginia Witulski filed a claim during the month of March, 2005, in the amount of \$1,179.18 for expenses incurred for the repair of the sewer connection to her residence, which claimant alleges was damaged as the result of a sanitary sewer main repair project. This claim is under review and is **pending**.

Cynthia Kopycinski filed a claim during the month of April, 2005, in an unspecified amount for alleged injury incurred when claimant was a passenger in a vehicle that was struck by a Lincoln police vehicle. This claim is under review and is **pending**.

Steven and Lindsay Wittenhagen filed a claim during the month of May, 2005, in the amount of \$3,083.07 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Wendy Jones and Rick Heath filed a claim during the month of May, 2005, in the amount of \$15,000 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

American Family Insurance filed a claim during the month of May, 2005, on behalf of Jeff and Judy Hatcher in the amount of \$171.20 for removal of tar from the Hatcher's vehicle. This claim is under review and is **pending**.

Chelsea Madden filed a claim during the month of May, 2005, in the amount of \$3,833.83 for damage incurred to her vehicle as the result of a fallen tree limb. This claim is under review and is **pending**.

Eric Kowalski filed a claim during the month of May, 2005, in the amount of \$200 for damage incurred to tire as the result of a pothole. This claim is under review and is **pending**.

Sheri and David Stinnett filed a claim during the month of June, 2005, in the amount of \$1,560.60 for expense incurred for repair of broken sewer line. This claim is under review and is **pending**.

Greg Smith filed a claim during the month of June, 2005, in an unspecified amount for damage incurred to the windshield of his vehicle as the result of rocks thrown from a City mower. This claim is under review and is **pending**.

Gary Shandera filed a claim during the month of June, 2005, in an unspecified amount for damage incurred to his vehicle when it was struck by a City street sweeper. This claim is under review and is **pending**.

Ray Schmid filed a claim during the month of June, 2005, in an unspecified amount for damage incurred to his vehicle when allegedly struck by an errant golf ball from Holmes Golf Course. This claim is under review and is **pending**.

Maria Arellano filed a claim during the month of June, 2005, in the amount of \$660.24 for damage allegedly incurred to her vehicle as the result of an accident involving a City vehicle. This claim is under review and is **pending**.

Dan Bentzinger filed a claim during the month of June, 2005, in the amount of \$418.56 for damage allegedly incurred to his vehicle as the result of a rock thrown from a City mower. This claim is under review and is **pending**.

Diane Henninger filed a claim during the month of June, 2005, in the amount of \$2,746.84 for expense incurred to repair sewer line allegedly damaged by a City tree. This claim is under review and is **pending**.

Maya L. Claire filed two separate claims during the month of June, 2005, in unspecified amounts for alleged injuries incurred while she was a passenger on a StarTran bus. These claims are under review and are **pending**.

Erich Warner filed a claim during the month of June, 2005, in the amount of \$205.75 for damage allegedly incurred to his tire as the result of rebar protruding from curb at the Highlands swimming pool parking lot. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Jason Blair filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on September 26, 2001. Plaintiff prays for judgment in the amount of \$10,875.23, general damages, and costs of action. Litigation is **pending**.

Robert Blankenship filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 20, 2001. Litigation is **pending**.

Sandra Mueller filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. Counsel for the Muellers filed a petition in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

James Blake filed a claim during the month of March, 2002, in the amount of \$10,139.77 for injury incurred when claimant fell into a water meter pit. This claim was reviewed by this office and denial of this claim was

approved by the City Council on April 29, 2002. Counsel for claimant has filed suit in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, and the City of Lincoln as Defendants. Litigation is **pending**.

Suzanne Cain filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 2, 2004. **American International Recovery, Inc. (Omni Behavioral Health, Insured)** filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of the insured's employee, Suzanne Cain, as a result of her trip and fall accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 23, 2004. Counsel for Suzanne Cain filed suit in the Lancaster County District Court on March 10, 2004, naming Gold's Limited Partnership and City of Lincoln, Nebraska as Defendants and Omni Behavioral Health, Inc. and American International Recovery, Inc. as Third-Party Defendants. Litigation is **pending**.

Neil and April Kringle and Neil and April Kringle on behalf of their minor child, Blake Kringle, filed a claim during the month of May, 2002, in the amount of \$1,000,000 for damages allegedly incurred when Blake Kringle fell off of his bicycle and into a culvert. This claim was reviewed by this office and denial of this claim was approved by the City Council on May 12, 2003. Counsel for the Kringles filed suit in the Lancaster County District Court on March 12, 2004. Litigation is **pending**.

Jeremy Tumbleson filed a claim during the month of March, 2003, in the amount of \$849.30 for damage incurred to his vehicle as the result of an accident involving a City snow plow. This claim was reviewed by the Risk Management Office and denial of this claim was approved by the City Council on April 21, 2003. Counsel for Mr. Tumbleson filed suit in the Lancaster County Court on May 21, 2004. Litigation is **pending**.

Ricky Austin filed a claim during the month of December, 2003, in the amount of \$500,000 for alleged injury incurred while claimant was in police custody in the back seat of a police vehicle when it was rear-ended by another police vehicle. This claim was withdrawn by counsel for the claimant on June 8, 2004, and suit was filed in the Lancaster County District Court on June 11, 2004. Litigation is **pending**.

Barbara and Arthur Poppe filed a claim during the month of November, 2003, in the amount of \$1,000,000 in connection with the death of their daughter, Heather Poppe, as the result of a motor vehicle accident involving a vehicle that was driven by a Robin Siefker. Claimants allege that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants allege that Mr. Siefker should have been in police custody at the time of the accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 5, 2003. Suit was filed in the Lancaster County District Court on November 24, 2004. On February 14, 2005, the Court sustained the City of Lincoln's motion to dismiss. Plaintiff has appealed. Litigation is **pending**.

Allied Insurance (Claim No. 26E29478/Allan Albers, Insured) filed a claim during the month of March, 2004, in the amount of \$1,685.50 for damage incurred to insured's vehicle as the result of an accident involving a City street sweeper. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 6, 2004. Allan Albers filed suit in the Lancaster County Court on February 28, 2005. Litigation is **pending**.

Donna Lilly and Michael Lilly filed a claim during the month of September, 2004, against the City of Lincoln, Lancaster County, and the Public Building Commission in the amount of \$1,000,000 for alleged damages incurred as the result of injuries Donna Lilly sustained when she allegedly slipped and fell on the steps of the County/City Building, which claimant alleges were ice and snow-covered. The claim against the City of Lincoln was reviewed by this office and denial was approved by the City Council on September 27, 2004. Counsel for Donna and Michael Lilly filed suit in the Lancaster County District Court on March 23,

2005, naming the Public Building Commission, Lancaster County, and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$34,000 and general damages. Litigation is **pending**.

Roberto Mancilla, Rubia Menendez, and David Mancilla Menendez filed a claim during the month of May, 2004, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. Counsel for claimants filed suit in the Lancaster County District Court on April 28, 2005, naming Lincoln Police Officer Champoux and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$21,872.55, future medical expenses, and general damages for pain and suffering. Litigation is **pending**.

Jeanette Harris filed a claim during the month of November, 2004, in the amount of \$25,000 for damages incurred as the result of a motor vehicle accident involving a Public Works vehicle. The property damage portion of this claim was settled by the Risk Management Office in the amount of \$2,747.08. The personal injury portion of this claim has not been resolved and counsel for claimant filed suit in the Lancaster County Court on May 23, 2005. Litigation is **pending**.

Fleet Systems, Inc./William F. Dugan filed a claim during the month of September, 2004, in the amount of \$1,705.65 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 11, 2004. Suit has been filed in the Lancaster County Court on May 23, 2005. Litigation is **pending**.

Raymond Phillips filed a claim during the month of June, 2004, in the amount of \$30,000 for damages incurred as the result of a motor vehicle accident involving a vehicle driven by a Health Department employee. The property damage portion of this claim was settled by the Risk Management Office in the amount of \$1,680.00. Counsel for claimant filed suit in the Lancaster County Court on June 24, 2005, for alleged personal injury incurred as the result of the accident. Litigation is pending. **American Family Insurance Group** has filed a subrogation claim for medical expenses paid on behalf of its insured, Raymond Phillips. The subrogation claim is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management